

BOARD OF PARDONS AND PAROLE

1002 Hollenbeck Road – Deer Lodge Montana

TO: Beach, Barry Allen

No: 21520

Date: June 11, 2014


The State of Montana Board of Pardons and Parole has, in regular session, taken the following action in your case:

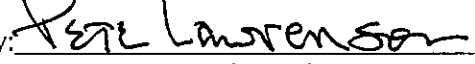
After duly considering your fourth application for Executive Clemency in accordance with 46-23-301 MCA, and in accordance with the Board of Pardons and Parole's Administrative Rules of Montana 20.25.901, 20.25.901(A) and 20.25.902, the Board has by unanimous vote concluded that the application does not provide sufficient evidence of substantial change in circumstances since the last application. Therefore; insufficient cause appears to necessitate a public hearing and orders that your clemency application be denied. The Board's decision to deny the re-application is addressed in each of the following factors, as described in your application:

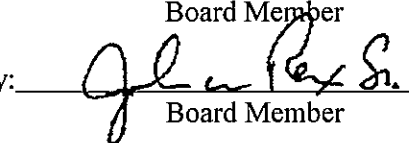
- 1) Changes in the law with regard to the imposition of life without parole for offenders under the age of (18) at the time of the crime. *In the Board's opinion, the Supreme Court's decision in Miller v. Alabama is not applicable to this case. The presiding Judge's decision to impose a time sentence with a parole restriction was discretionary rather than mandatory as provided by Montana law and does not compromise Miller. The sentencing Judge properly applied a sentence he felt was appropriate for the crime committed. Due to the law in effect at the time of the crime, "good time" applies and is a day for day reduction of the sentence. Accordingly, the current (100) year sentence imposed by the Judge with good time is in essence a (50) year term. According to the Records Department at Montana State Prison, Mr. Beach will discharge his sentence on October 15, 2036.*
- 2) Mr. Beach's vivid and concrete demonstration of responsible, law abiding behavior over a period of (18) months of freedom. *In the Board's opinion, offenders as well as all Montana citizens are expected to be law abiding at all times and this standard alone does not constitute "exemplary" behavior. The idea that an offender is considered rehabilitated based solely on clear conduct or lack of contact with law enforcement is not considered sufficient and does not support a substantial change in circumstance. Only after the most basic step of accepting responsibility has occurred, can the process of true rehabilitation begin.*

- 3) New evidence about the crime that was not available to the Board in 2007. *In the Board's opinion, no new credible evidence about the crime was presented in the current re-application that was not available to the Board in 2007. The Board believes unfounded reports of new evidence in the form of hearsay testimony by individuals that suddenly remember details from decade(s) old memories are unreliable and not credible.*
- 4) Mr. Beach's application includes a speculation that had he gone to a new trial, in accord with Judge Phillips' decision, a Louisiana Detective's credibility could have been questioned due to issues discovered in his personnel file. *The claims of evidence calling into question the veracity of the Detective who took the confession in this case are discounted in their entirety. There is absolutely nothing in the record to indicate there was any evidence of misconduct alleged against the Detective which would have compromised the interrogation and confession.*
- 5) Mr. Beach has served (30) years in prison and further incarceration would be grossly unfair. *The Board does not believe that serving (30) years in prison in Montana is an extraordinary amount of time for the conviction of a brutal murder of a teenage girl. In the Board's opinion, all the good conduct of Beach during his incarceration time and temporary release to the community does not mitigate the exceptional brutality of his crime. The numbers of letters of support do outnumber those who oppose his application but they do not outweigh the continued opposition of the victim's family, friends, and individuals that are forced to relive the pain and hurt cause by this murder every time this issue is revisited.*

In conclusion, as a matter of public policy, the Montana Legislature has codified the sentencing guidelines to be followed with an emphasis on Judges' discretion. The issues of Mr. Beach's sentence have been fully examined and little substance reflecting significant change since the last hearing has been presented in his application. After reviewing all relevant information in this case, the Board cannot identify sufficient evidence of substantial change in circumstances since the last application or any compelling reasons of equity and justice that warrant the scheduling of a hearing to consider the substitution of a lesser penalty other than that authorized by the Montana Legislature and imposed by the sentencing court.

By:  Board Member

By:  Board Member

By:  Board Member